IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY NINTH DAY OF MARCH
TWO THOUSAND AND SIX

PRESENT

**THE HON'BLE MR JUSTICE J.CHELAMESWAR**

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**WRIT PETITION No.19747 OF 1995**

Between:

Syed Shamsuddin, S/o.Afzaluddin.

**..... PETITIONER**

AND

The Government of A.P. rep. by its

Under Secretary, Ministry of Home

Affairs, Freedom Fighters Division,

Loknayak Bhavan, New Delhi.

**....RESPONDENT**

**THE HON'BLE MR JUSTICE**

**J.CHELAMESWAR**

**WRIT PETITION No.19747 OF 1995**

**O R D E R**

This Writ Petition is filed with a prayer as follows:

> "… Hon'ble Court may be pleased to issue a Writ, order or direction, more particularly one in the nature of Writ of Mandamus, declaring the in-action of the respondent for not sanctioning Pension to the petitioner as illegal, arbitrary and violates the principles of natural justice consequently direct the respondent to sanction the pension retrospectively to the petitioner and to pass such other or further order as this Hon'ble Court may deem fit and proper in the circumstances of the case."

The petitioner claims to be a freedom fighter and therefore entitled to a pension, under a Scheme formulated by the Government of India. He made a representation seeking payment of pension, which was rejected by the respondent by his proceedings dated 22.11.1979 by a cryptic order, which reads as follows:

> " I am directed to refer to your application dated: 5-6-1978 for the grant of pension and to say that your case has been considered carefully but it has not been found possible to sanction pension to you.
>
> 2. Your application has accordingly been rejected."

The order referred above, is not based any valid reason for rejecting the application filed by the petitioner for sanction of pension. Hence, the present writ petition.

Notwithstanding the pendency of the matter for more than a decade in this Court, no counter is filed by the respondent.

The existence of a scheme for pension to the freedom fighters is not in dispute.

In the circumstances, the writ petition is allowed directing the respondent to consider the case of the petitioner for sanction of pension in accordance with law and pass appropriate reasoned order, within a period of three months from today. There shall be no order as to costs.

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**JUSTICE J.CHELAMESWAR**

**29th MARCH, 2006**

**PGS**

**THE HON'BLE MR JUSTICE**

**J.CHELAMESWAR**

**WRIT PETITION No.19747 OF 1995**

**29th MARCH, 2006**